

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN HANCOCK LIFE INSURANCE COMPANY OF NEW
YORK,

Interpleader Plaintiff,

- against -

PEDRO L. BAEZ, JESSICA RIVERA, ALEXANDER BAEZ,
ANDREW BAEZ, AND MAYRA BAEZ,

Interpleader Defendants.

Civil Action No.
09- CV-3895
(JG)(ALC)

ORDER

WHEREAS, Interpleader Plaintiff John Hancock Life Insurance Company of New York (“John Hancock”) commenced this action on the ground that it is the disinterested stakeholder of the proceeds of a variable annuity contract, contract no. 70011788, issued to Alex Baez M, upon which several adverse claims have been made (hereinafter referred to as the “Stake”);

WHEREAS, John Hancock asserts that it may be subject to multiple liability to one or more of the adverse claimants who have been named as defendants in this action, and further, that it has no interest in the Stake;

WHEREAS, John Hancock has joined all individuals whom it reasonably believes are necessary parties to the action;

WHEREAS, the time for defendants to serve responses to the Complaint has expired;

WHEREAS, all defendants other than defendant Jessica Rivera have responded to the Complaint by filing a responsive pleading;

WHEREAS, by virtue of her failure to respond to the Complaint, defendant Jessica Rivera has disclaimed any interest she may potentially have in the Stake;

WHEREAS, in order to avoid the incursion of additional attorneys' fees and litigation costs, which may ultimately reduce the value of the Stake, John Hancock desires to be discharged from this action and any and all liability with respect to the adverse claimants and the proceeds of the Stake, and to deposit with the Court the then value of the Stake, with a guaranteed minimum death benefit of ninety nine thousand three hundred sixty four dollars (\$99,364), minus reasonable attorneys' fees, costs, expenses, or disbursements that John Hancock has incurred in connection with the prosecution of this interpleader;

WHEREAS, the parties wish to avoid the expense associated with additional motion practice and protracted litigation so as to preserve the maximum amount of the Stake available to the rightful beneficiary(ies);

WHEREAS, all defendants had an opportunity to object to John Hancock's request for attorneys' fees, costs, expenses, or disbursements that it has incurred in connection with the prosecution of this interpleader;

WHEREAS, the parties met with the Court on April 19, 2010 and no defendant voiced any objection to John Hancock being awarded \$9,000 in attorneys' fees, costs, expenses, or disbursements, which shall be deducted from the present value of the Stake, nor did any defendant file a written objection via ECF;

IT IS HEREBY ORDERED that: (1) John Hancock is directed to deposit into Court the present value of the Stake, minus **\$9,000** for attorneys' fees and related costs that it has incurred in connection with the prosecution of this interpleader action, by paying same to the Clerk of the

Court pursuant to Federal Rule of Civil Procedure 67 and Local Rule 67.1; (2) this Order shall serve as the Order permitting the deposit of **\$90,364** to the Clerk of this Court pursuant to Federal Rule of Civil Procedure 67; (3) the Clerk of Court shall deposit the said amount of **\$90,364** into an interest-bearing account pursuant to Local Rule 67.1; (4) pursuant to Local Rule 67.1, the Clerk of the Court shall deduct from the income on the deposit a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; and (5) upon paying said amount of **\$90,364** into this Court as herein directed, John Hancock is discharged from this action and any and all liability in whole to any party to the above entitled action by reason of any matter or thing set forth in the pleadings therein.

SO ORDERED

**Dated: Brooklyn, New York
April 27, 2010**


**HONORABLE ANDREW L. CARTER, JR.
UNITED STATES MAGISTRATE JUDGE**